

REMARKS

Claims 24, 25, 28, 29, 31-33, 35, 36 and 38-41 are all the claims pending in the application.

Upon further consideration of the Interference request and in light of the recent US CAFC decision "Agilent Technologies Inc. V. Affymetrix Inc., 567 F.3d 1366 (Fed. Cir. 2009)" and the subsequent change to 37 CFR 41.200 (see Federal Register notice vol. 75, No. 72, 4/15/10, pg. 19558), the indicated allowability of claims 28-29 and 35-36 were withdrawn.

I. Claim Rejections - 35 USC § 112

Claims 28-29 and 35-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 35-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submits that amended claims 28, 35 and 36 are in full compliance with the requirements of 35 USC 112, first and second paragraphs.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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